



PUBLIC HEARING

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: January 26, 2021

Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Jon Maginot, Deputy City Manager

Attachments:

1. Approval Resolution No. 2021-04
2. Denial Resolution No. 2021-04
3. Updated Story Pole Policy Exemption Request Letter, January 4, 2021
4. Updated Story Pole Letter from BFK Engineers, March 20, 2020
5. Alternative Story Pole Placement Plan
6. City Council Minutes, April 4, 2020
7. City Council Agenda Report, April 4, 2020
8. Councilmember Enander Story Pole Plan and Photos
9. Public Correspondence

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019, November 12, 2019 and April 14, 2020

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a fourth request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern

Reviewed By:

City Manager

City Attorney

Finance Director

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that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.

- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's second story pole exception request was unanimously continued to a date uncertain by the City Council on November 12, 2019 with direction that the applicant work with staff and return to the Council with 1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings that give the community an opportunity to view the project from neighboring properties, 3) a 3D animation model, and 4) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's third story pole exception request was unanimously continued to a date uncertain by the City Council on April 14, 2020 and Councilmembers Enander and Lee Eng were appointed to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of the existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision applications for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The applicant submitted the original application, project plans and documentation for the design review, conditional use permit and subdivision applications in December 2018. On July 8, 2019, October 1, 2019, November 4, 2019, December 30, 2019, May 7, 2020, August 20, 2020, October 12, 2020 and November 24, 2020, the applicant resubmitted their application and project plans. The City responded with incomplete letters dated January 24, 2019, February 11, 2019, August 6, 2019, August 13, 2019, October 17, 2019, November 12, 2019, June 30, 2020, August 6, 2020, September 15, 2020, November 9, 2020 and December 21, 2020. The City's letter dated December 21, 2020 found one outstanding incompleteness issue, i.e., the applicant still has not provided all of the information required by the Santa Clara County Fire Department to review the project.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In cases where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.



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3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

On November 12, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with (1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings, and (3) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

On April 14, 2020, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain and the appointment of Councilmembers Enander and Lee Eng to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions

Application Process

Following the City Council's continuance of the Story Pole Exception Request application on April 14, 2020, staff communicated with the applicant and confirmed the direction from the City Council.



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On May 6, 2020, staff met with Councilmembers Enander and Lee Eng to discuss the story pole submittal. The City Council subcommittee was scheduled to meet with the applicant to address the following:

1. The Story Pole plan shall be revised to increase the number of story poles from the two proposed story poles.
2. The Story Pole plan shall be revised to include billboards with the pedestrian perspective renderings on locations to be recommended by the City Council Subcommittee.
3. The Story Pole plan shall be revised to provide six photorealistic perspectives of the building form to give the community an opportunity to view the project from neighboring properties.

In May and June 2020, the applicant met with Councilmembers Enander and Lee Eng by videoconference to discuss the story pole submittal, which the applicant preliminarily agreed to the following revisions to the Story Pole Resubmittal:

1. The Story Pole plan shall be revised to provide four story poles, which included additional story poles in locations C and D to join previously proposed pole locations A and B, consistent with the story pole map (Attachment 8) provided by Councilmember Enander.
2. The Story Pole plan shall be revised to provide points of reference for the two highest points of the proposed building by providing helium balloons at the correct elevations.
3. The Story Pole plan shall be revised to utilize a total of four billboards at three locations: one on Los Altos Avenue, two at the Los Altos Avenue/El Camino Real corner and one on El Camino Real.
4. The Story Pole plan shall be revised to provide six pedestrian perspective photo simulated renderings consistent with the photographs of desired pedestrian perspectives (Attachment 8) provided by Councilmember Enander.
5. The Story Pole plan shall be revised to provide a pedestrian level “flythrough” 3-D model, which would be in addition to the previously submitted “flyover” 3-D model.
6. The Story Pole plan will not block one or more driveways as requested by the Council subcommittee. The Story Plan Resubmittal provides a diagram that demonstrates the circulation requirements that prevent the applicant from closing any of the driveways.



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On June 30, 2020, staff provided an incompleteness letter to the applicant requesting the applicant comply with the City's Story Pole submittal requirements and City Council direction from the April 14, 2020 meeting.

On July 17, 2020, staff met with Councilmembers Enander and Lee Eng by videoconference to obtain their final direction on the story pole plan for the project. The City Council Subcommittee provided the following final recommendations for the story pole plan:

1. The Story Pole plan shall be revised to include four story poles, including additional story poles in locations C and D to join previously proposed pole locations A and B, consistent with the story pole map (Attachment 8) provided by Councilmember Enander. The poles will have mesh or flags connecting A to B to C to D as specified in the City policy.
2. The Story Pole plan shall be revised to provide points of reference for the two highest points of the proposed building by providing helium balloons at the correct elevations in locations F and H consistent with the story pole map (Attachment 8) provided by Councilmember Enander.
3. The Story Pole plan shall be revised to utilize a total of four billboards at three locations: one on Los Altos Avenue (billboard No. 1), two at the Los Altos Avenue/El Camino Real corner (billboard Nos. 2 and 3) and one on El Camino Real (billboard No. 4). The City Council subcommittee provided suggestions for the content of the billboards, the recommended photo simulations for each billboard, and the size and height of each billboard
4. The billboard pedestrian perspective photos shall be consistent with the photographs of desired pedestrian perspectives (Attachment 8) provided by Councilmember Enander.
5. The Story Pole plan shall be revised to provide a pedestrian level "flythrough" 3-model, which would be in addition to the previously submitted "flyover" 3-d model.

On July 29, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. The Story Pole plan shall be revised to be consistent with council direction, which required the installation of story pole locations A, B, C and D to show the corners of the buildings, and the bulk and mass of the structure.
2. The Story Pole plan shall show the two highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue) by providing helium balloons in locations F and H.



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3. The Story Pole Plan shall be revised to show the story pole materials, installation details and structural requirements, and the site plan shall show netting or flagging connecting the story pole locations A, B, C and D.
 4. The billboard Nos. 1, 2, 3 and 4 shall provide six photorealistic perspectives of the building form to give the community an opportunity to view the project from neighboring properties. The billboards shall be revised consistent with the Story Pole Submittal Requirement handout and City Council Subcommittee directions related to their location, board size, board height, images and text for the billboards.
 5. The pedestrian photorealistic perspectives shall be consistent with the photographs (Attachment 8) provided by Councilmember Enander.
 6. A 3-D animation model shall be provided that shows the building massing from both a pedestrian level and from an aerial fly around. The animations should be posted online and a link to the animation shall be provided on each of the billboards placed on the site.
 7. An Indemnity Statement shown on the cover sheet, signed by the owner or application consistent with the City's Story Pole Submittal Requirement Handout.

On August 12, 2020, staff spoke with the applicant and reviewed the incompleteness letter. Staff requested the applicant address all items in the incompleteness letter and confirmed mockups of the billboards were required with a resubmittal.

On August 17, 2020, the applicant's architect submitted a 3-D animation model, with the applicant's revised story pole plan submitted on August 19, 2020.

On September 18, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. Billboard Nos. 1, 3 and 4 shall be revised to show the text and photorealistic perspective consistent with the incompleteness letter dated July 29, 2020
2. Billboard No. 2 shall be revised to show the text consistent with the incompleteness letter dated July 29, 2020.
3. A 3-D animation model was submitted that shows the building massing from both a pedestrian level and from an aerial fly around. The City found the models are consistent with the City's Story Pole Submittal requirements and no further action is required by the applicant.



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4. The cover sheet shall be revised to show an Indemnity Statement consistent with the City's Story Pole Submittal Requirement Handout.
 5. The perspective view on Los Altos Avenue looking to the northeast shall be revised to improve the quality of the architectural details of the adjacent buildings.

On October 12, 2020, the applicant submitted a revised story pole plan submittal.

On November 10, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. Billboard Nos. 1, 3 and 4 shall be revised to show the text and photorealistic perspective consistent with the incompleteness letter dated July 29, 2020

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

On November 24, 2020, the applicant submitted a revised story pole plan submittal and proposed the following:

1. A story pole diagram and elevations (Attachment 5) show the installation of four-story poles: three story poles (A, B and D) representing the eastern wall of the building and three story poles (B, C and D) representing the southern wall of the building. The four story poles are 57-foot 4-1/4-inch tall with netting or string and flags connecting the four poles to define the height and mass of the building.
2. The story pole diagram and elevations (Attachment 5) show the points of reference for the two highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue) by providing helium balloons at a height of 57-foot 4-1/4-inch tall in locations F and H.
3. The story pole diagram and billboard elevations show the installation of four billboards at three locations as described below:
 - a. Billboard No. 1 shall be located between the subject property and the adjacent multiple-family property along El Camino Real. The billboard shall be 16 feet wide by 12 feet tall, with the board height 20 feet above grade. The billboard shall have an image from El Camino Real



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perspectives and the text shall be similar to the Public Notice Sign Requirements for New Multi-Family handout.

- b. Billboard No. 2 and 3 shall be angled together at an approximate 120 to 135 degrees angle on the berm at the corner of El Camino Real and Los Altos Avenue. The billboards shall be 12 feet wide by 8 feet tall, with the board height 11 feet above grade. Billboard No. 2 shall have two images and a three public noticing figures, and Billboard No. 2 shall have three images. The two billboards shall have text similar to the Public Notice Sign Requirements for New Multi-Family handout.
 - c. Billboard No. 4 shall be located on the subject property in the planting strip parallel to the sidewalk along Los Altos Avenue. The billboard shall be 12 feet wide by 8 feet tall, with the board height 11 feet above grade. The billboard shall have two images and the text shall be similar to the Public Notice Sign Requirements for New Multi-Family handout.
4. The Story Pole plan provides eight pedestrian perspective photo simulated renderings, which superimposes the proposed building with the properly scaled multiple-family building.
 5. A 3D animation model that shows the building massing from a pedestrian level and an aerial fly around perspective. The animations will be posted online and a link to the animation would be provided on each of the billboards placed on the site.

The City provided the applicant a letter (via email) on December 21, 2020 advising the submittal appeared to comply with the directions of Councilmembers Enander and Lee Eng by providing 1) additional story poles to identify the bulk and mass of the structure, 2) a story pole plan that shows the points of reference for the two highest points of the proposed building by providing helium balloons at a height of 57-foot 4-1/4-inch tall in locations F and H, 3) photorealistic and human eye realistic renderings on four billboards that improves the opportunity to view the project from neighboring properties, 4) eight pedestrian perspective photo simulated renderings, and 5) a 3D animation model from a pedestrian scale and aerial fly around perspective.

As outlined in the Applicant's exemption request letter (Attachment 3) and BFK Engineer's letter (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant reviewed the story pole locations suggested by Councilmember Enander and explored the closure of one driveway to accommodate additional story poles. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. The applicant has provided a circulation diagram in the story pole submittal, which demonstrates the circulation issues preventing closure of a driveway. As a result of this constraint, the Applicant does



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not believe it is feasible place all of the story poles in a way that meets the Story Pole Policy's requirements.

The fundamental issue presented for Council's evaluation is whether there is a public health and/or safety concern associated with the obstruction of pathways and driveways of the service station or the potential failure of a story pole or guy wire, which could obstruct a public sidewalk or street, damage overhead utility lines or infrastructure, cause damage to personal property or result in personal injury to an individual using an adjacent public sidewalk or street, that justifies granting an exception from installing story poles per the Story Pole Policy.

As noted by the Applicant, the story plan has increased the number of story poles from two story poles to four story poles to better represent the building's height and massing. In lieu of physical story poles at all corners of the proposed building, the applicant proposes the following alternatives: 1) two balloons to represent the highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue), 2) four billboards with improved photo renderings and public noticing information, 3) six photo simulated renderings of the multi-family structure, and 4) 3D models at the pedestrian level and an aerial fly around perspective to provide the public with information to understand the project's height and massing, relationship to adjacent buildings and profile.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Public Correspondence

To-date, staff has received correspondence from one resident regarding the story pole exception request application (Attachment 9).

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.



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Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.

ATTACHMENT 1

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS GRANTING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY TO THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review to erect story poles as part of the application and public review process (the "Story Pole Policy"); and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, February 3, 2020, and April 4, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles in close proximity to drive aisles; and

WHEREAS, this action is exempt from CEQA each as a separate and independent basis, pursuant to CEQA Guidelines Section 15303 (new construction of small structures) and CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the action will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the applicant's request for an exception from the installation of story poles per the City's Story Pole Policy based on the following finding:

1. There is a public health and safety concern or impairment of the existing site or buildings due to the placement of the story poles and guy wires posing a threat of physical harm to users and a safety concern if a story pole or guy wire were to cause damage to personal property or result in personal injury to an individual attempting to access the site; and
2. Installation of story poles per the City's Story Pole Policy would impair the use of the structure on the site to the extent that operation of the existing gasoline service station would be infeasible.

ATTACHMENT 1

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 26th day of January, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

ATTACHMENT 2

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS DENYING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review to erect story poles as part of the public review process; and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, February 3, 2020, and April 4, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles limiting access to the site; and

WHEREAS, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to warrant the granting of an exception as outlined in the Story Pole Policy; and

WHEREAS, this action is not subject to environmental review pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos, based upon the entire record before the Council, hereby denies the applicant's request for a partial exception from the City's Story Pole Policy based on the following findings:

1. There is insufficient evidence in the record to demonstrate that compliance with the Story Pole Policy's requirements for placement of story poles and guy wires would cause a public health or safety concern that warrants granting of an exception; and

ATTACHMENT 2

2. There is insufficient evidence in the record to demonstrate that installation of story poles in accordance with the City's Story Pole Policy would impair the use of existing gasoline service station business on the site to the extent that it would be infeasible to operate and warrant the granting of the exception.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 26th day of January, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

January 6, 2021

City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

SUBJECT: STORY POLE EXEMPTION FOR 4350 EL CAMINO REAL

Dear Mayor Fligor:

Thank you for the Council's April 14, 2020 review of our story pole exemption. We appreciated the opportunity to work with the City Council's ad hoc subcommittee and staff to review our challenges to provide story poles at our busy and hazardous service station property. As this is our fourth hearing before the City Council on this matter beginning on September 24, 2019, we are especially hopeful to receive the Council's support for our story pole exemption. This letter summarizes our latest revisions to the application for a story pole exemption.

Our amended proposal builds on our previous efforts to address Council concerns. Our last submittal included creating four photorealistic images of the project in context, considering alternative story poles atop the fueling area canopies and near the corner of the site, enhancing our public outreach with additional billboards with specific views of the proposal, and developing a 3D computer model of the project with pedestrian-level and flyover views. Following the ad hoc Council subcommittee we developed the following enhancements to the application:

Additional Story Poles

We added two more story poles (C and D) for a total of four story poles. The four story poles provide an opportunity to define a significant part of the proposed building including the northeastern corner, the articulation of the eastern wall, and showing the southeastern corner. The nesting metal poles will be guyed with wires typical of such structures. The poles will contain markings at five-foot increments and two-foot wide brightly colored netting defining the roofline.

The location of poles C and D are challenging for us since Pole C is located atop our service station structure with its difficulties of maintaining the integrity of the roof and Pole D displaces our southern parking and staging area. Additionally, Poles A and B

displace our parking along the eastern border so we are left with very little area to park and stage vehicles for service. We are also challenged by the location of Pole D since it has the potential to disrupt our legally required accessible parking and air station. The locations of the story poles are shown on the site plan.

Height Balloons

We added two Balloons (F and H) to show the proposed building height from each of the building frontages. The balloons will be anchored to float at the proposed roofline, which helps fulfill the primary reasons for the story pole requirements to draw the public's attention to the proposal. The locations of the balloons are shown on the site plan.

Enhanced Billboards

We clarified the images and content for each of the four proposed billboards. Each billboard will contain a photorealistic image, or images, relevant to each location and legible text to provide details of the project and where to find additional information about the project. The billboards will be larger than the typical four-foot by eight-foot dimension. The locations of the billboards are shown on the site plan and building elevations.

Commercial Vehicle Circulation Diagram

We added a commercial vehicle circulation diagram to help show the site circulation challenges for trucks. The diagram shows the typical routes for the roughly 45-foot long gasoline tankers and the approximately 30-foot long medium size delivery and utility trucks. The gasoline tankers access the property from Los Altos Avenue and exit to El Camino Real dominating the area at the north-west corner of the site during their frequent fuel deliveries. The other trucks mainly use Los Altos Avenue for access to the auto service and convenience store building and the loading area to the south and east sides of the property.

Updated Perspectives, Renderings and Site Photos/Photo Simulations

We worked to refine our photorealistic perspectives to add details, context and orientation to better correlate with chosen vantage points and help create a photomontage. We also refined our renderings of the interior courtyard to provide more details such as building materials and landscape.

The series of site photos and photo simulations presents a montage of real and simulated images from the same or substantially similar locations. These series of images helps illustrate the relationship of the proposed building in the actual context and helps establish the veracity of the simulations. The location and angle of the photographs were determined by the ad hoc subcommittee.

Three Dimensional Modeling

We provided a set of three dimensional computer models for the project. One model emphasizes a pedestrian's view of the project walking down the street sidewalk and in the courtyard areas. The other model presents more of a fly over showing a bird's eye view of the project. The 3D models will be referenced on the billboards and will be available on the City's website.

Summary

While we are committed to providing some story poles on the property, we are extremely concerned about such structures at our busy gas station site. We believe, as does our consultant team, that with a service station site we have one of the most dangerous sites in the City to install story poles. The City's story pole policy allows granting exemptions and we have met the required standards for exempting the normal installation of story poles.

As we have explained in our three prior submittals to the Council, a normal story pole installation would substantially disrupt our business functions and/or present safety risks to our customers, employees and the general public. Our series of story poles, enhanced billboards, detailed photorealistic perspectives and three dimensional computer modeling available to the public more than achieves the central purpose of the story pole policy—to provide a physical notice to the public. Our story pole plan achieves a very high level of notification and provides factual information for the public that far exceeds the typical standards applied to other projects in the City.

Story Pole Exemption

January 6, 2021

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In closing, we feel forced by the City to install story poles on our gas station property that are inherently dangerous and this does not seem fair or appropriate. Not only is this the most hazardous type of site in the City to consider story poles, every story pole installation to date in the City has failed in some manner and in one case caused off-site property damage. It is just a matter of time before someone gets hurt or worse. As property owners we understand that we are liable. This especially burdensome despite the City's policy allowing for exemption but not fully granting it combined with the City's requirement for us as property owners to hold the City harmless for any liability should something harmful occur. In other words, it seems that the City is requiring us to do something dangerous but it is not willing to accept any responsibility for the potential ill effects of its own requirements even though our location meets the City's exemption standards.

To minimize the safety risk we will to limit the duration of the story poles and balloons to 30 days to allow for adequate public notice of the Planning Commission meeting, viewing by the Commissioners and Council members, and for the staff to document the installation for the file.

Finally, we remain committed to a special outreach meeting with the surrounding property owners although it is difficult to predict the resources available to us during this Covid era. We envision a meeting with the surrounding public after the story pole plan is accomplished but prior to our Planning Commission hearing to give the interested owners benefit of the best available information. Should we have the ability to conduct a safe meeting we will have members of our consultant team available at our outreach meeting to help explain the project and address questions.

Thank you for your consideration. We look forward to meeting with you to present our revised story pole proposal.

Sincerely,

Angie Galatolo
Owner/Applicant
4350 El Camino Real

TECHNICAL MEMORANDUM

Date: March 20, 2020 **BKF Job Number: 20180481**

Deliver To: City of Los Altos

From: Isaac Kontorovsky, PE

Subject: 4350 El Camino Real – Engineer’s Letter of Public Safety and On-site Conflicts

To Whom It May Concern,

The proposed project at 4350 El Camino Real consists of a new five-story 47-unit multiple-family building with two levels of underground parking. The project site is currently developed as a gas station (76) and located on the southeast corner of El Camino Real and Los Altos Avenue.

In accordance with City Council's Open Government Policy, adopted on March 24, 2015, and amended on August 22, 2017 and May 22, 2018, all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process.

Per the above mentioned story pole policy, the standard story pole installation at 4350 El Camino Real would entail approximately 20-60' tall steel poles. Each pole requires a concrete base as well as guy wires in 3 to 4 directions depending on their location. These guy wires would radiate out from the story pole at approximately 20'-30' from the base. Additionally, the distance between each story pole cannot be more than 35'.

The story poles would be installed during the remaining time of operation for the existing gas station. Due to the required spacing and guy wire locations the poles completely cut off access to the existing property if placed along the northeastern and northwestern frontage of the lot. Additionally, poles and their required guy wires would cutoff access to the ADA stalls and air station if placed along the southwestern side of the lot.

Per the traffic study, dated June 21 by Hexagon transportation Consultants and submitted to the city, a daily trip count of 921 was calculated. In our professional opinion, this large volume of in and out traffic poses a significant risk if poles and guy wires begin to block access. A situation would be created where automobiles must maneuver around pump stations, guy wires, poles and other cars for ingress and egress.

The story pole installer has also raised concerns over the poles, specifically in regards to their height and the potential hazard given the proximity to the public right of way. We agree that the issue is cause for concern if the project at 425 First Street is used as a case study. On this project a story pole failed under minimal wind loading. It should be noted that these poles were half the height the proposed

story poles on 4350 El Camino.

Furthermore, although complete underground service locating has not been completed we have concerns over any concrete base that would need to be placed given the hazardous and potentially dangerous nature of any utility conflicts with the required concrete bases.

Per the Los Altos Story pole policy, both criteria for an exemption have been met. To aid the citizens of Los Altos in understanding the development size and shape, the owner has proposed a thorough and detailed plan including:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;
- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Given the exemption criteria of "a public health and/or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it could not be occupied and the existing business and/or residential use would be infeasible" our recommendation is in line with the plan put forward by the owner listed above.

If there are any further questions please feel free to contact me.

Thank You,



Isaac Kontorovsky, PE

Vice President
BKF Engineers

4350 EL CAMINO REAL

LOS ALTOS, CALIFORNIA

STORY POLE EXCEPTION APPLICATION

DRAWING INDEX:

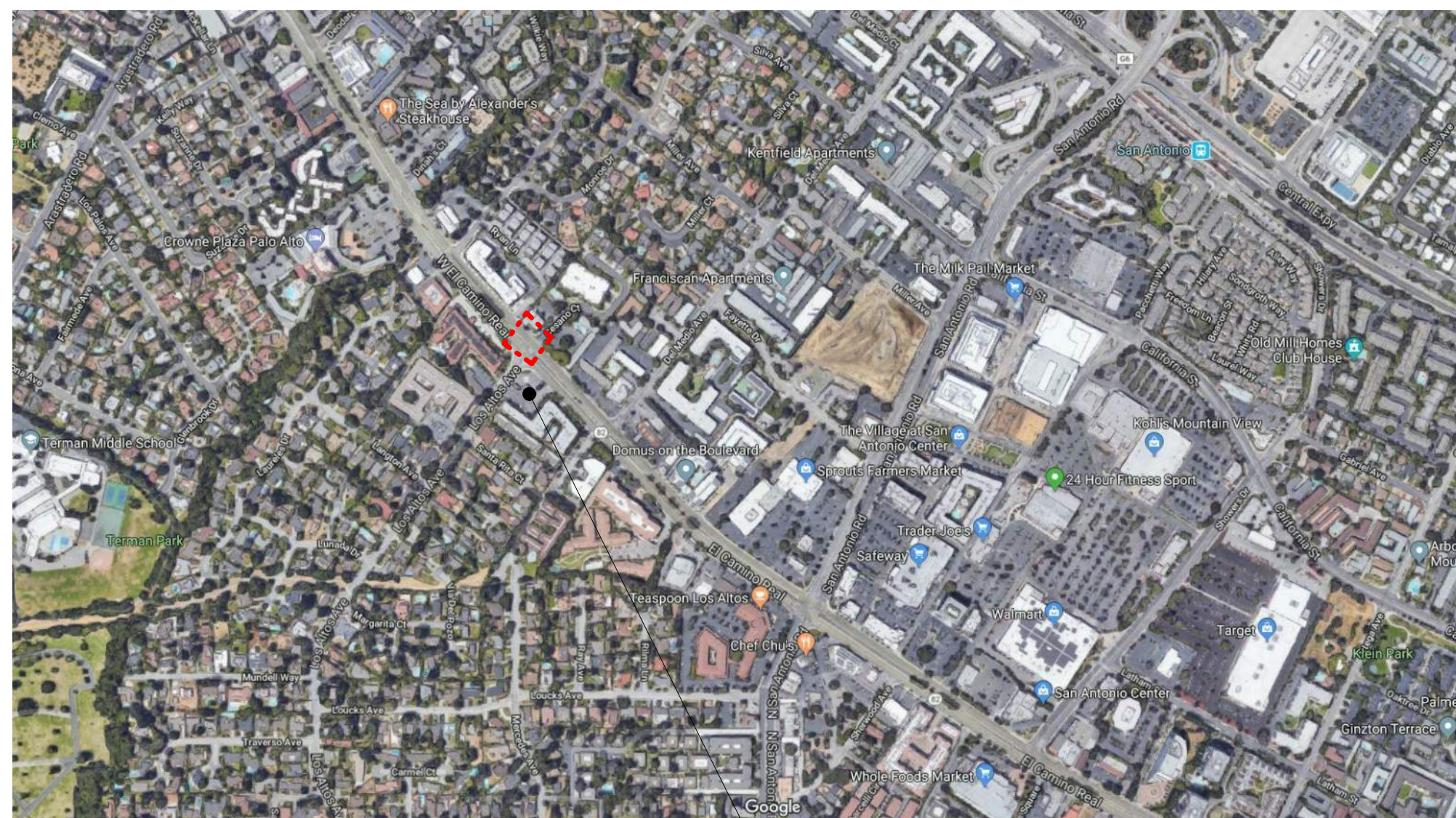
- A0.0a COVER SHEET - STORY POLE
- STORY POLE DIAGRAM
- STORY POLE ELEVATIONS
- STORY POLE ELEVATIONS
- BILLBOARD NO.1
- BILLBOARD NO.2
- BILLBOARD NO.3
- BILLBOARD NO.4
- COMMERCIAL VEHICLE CIRCULATION DIAGRAM

- A1.0 SITE PLAN

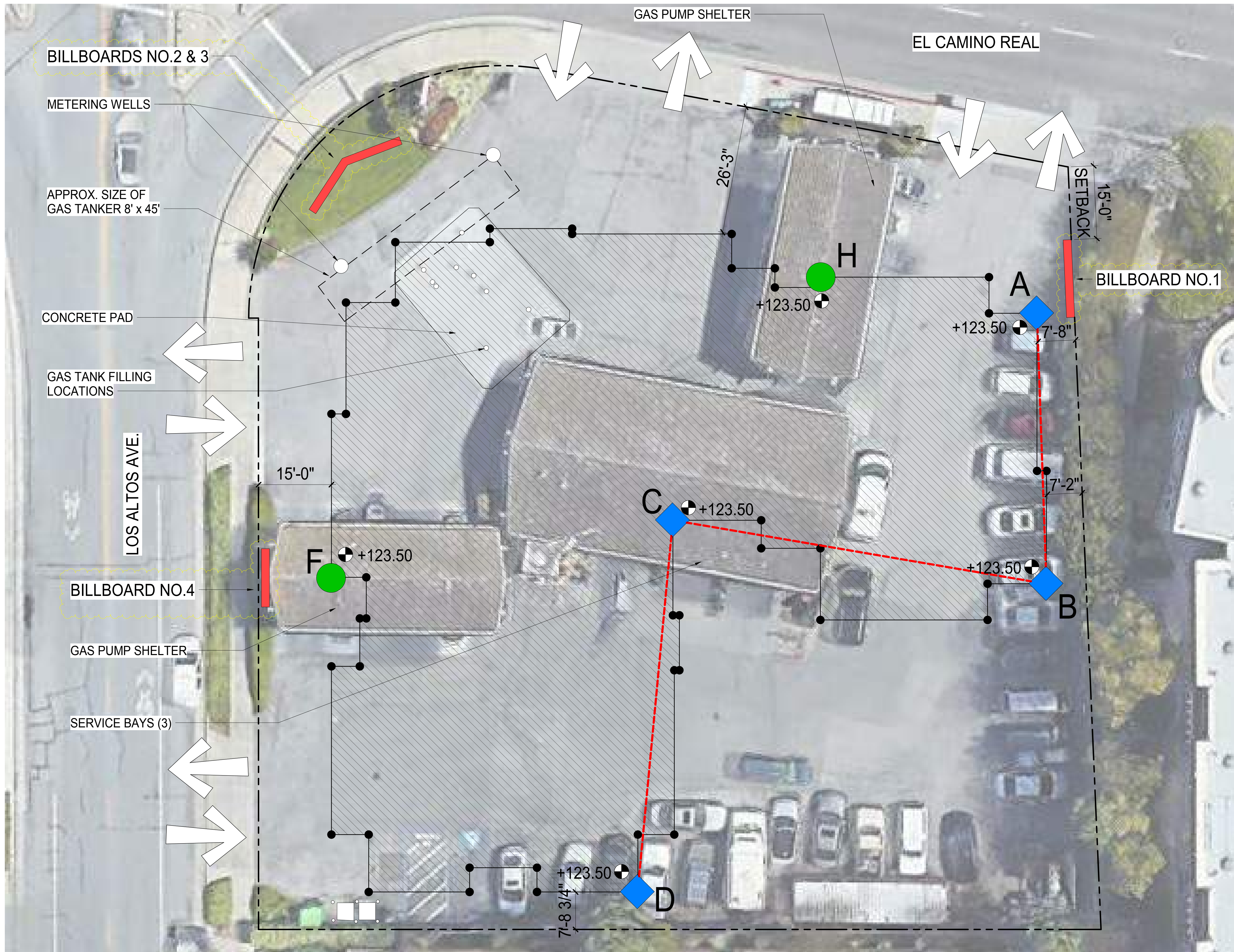
- A3.0a PERSPECTIVE VIEW @ EL CAMINO REAL + LOS ALTOS AVE.
- A3.0b PERSPECTIVE VIEW FROM EAST ON EL CAMINO REAL
- A3.0c PERSPECTIVE VIEW FROM SOUTH ON LOS ALTOS AVE.
- A3.0d PERSPECTIVE VIEW ON LOS ALTOS AVE LOOKING NORTH EAST

- A3.0e COURTYARD RENDERED VIEW FROM EAST
- A3.0f COURTYARD RENDERED VIEW FROM SOUTH
- A3.0g RENDERED VIEW FROM EAST
- A3.0h RENDERED VIEW FROM SOUTH

- A3.0i SITE PHOTOS AND SIMULATIONS
- A3.0j SITE PHOTOS AND SIMULATIONS
- A3.0k SITE PHOTOS AND SIMULATIONS



PROJECT SITE

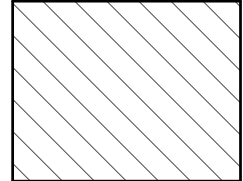
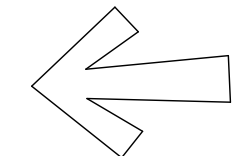


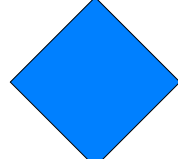


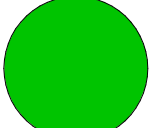


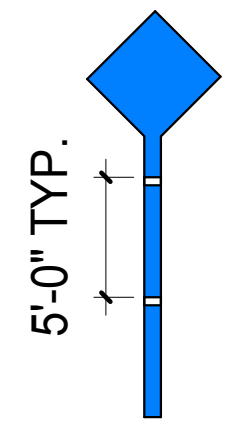
NOTE: TYPICAL STORY POLE MATERIALS - NESTED ALUMINUM METAL POLES, STEEL GUY WIRES. POLES SET AT APPROPRIATE HEIGHT FROM GRADE TO BUILDING HEIGHT. POLES ANCHORED WITH A SERIES OF GUY WIRES AT TWO TO THREE HEIGHTS. POLES LABELED IN 5-FT INCREMENTS FROM FINISH GRADE. TWO-FOOT WIDE BRIGHTLY COLORED NETTING AND/OR FLAGS SPANNING BETWEEN THE POLES AT THE PROPOSED BUILDING HEIGHT

INDEMNITY STATEMENT:
 THE UNDERSIGNED (APPLICANT/OWNER) AGREES TO IDEMNIFY AND HOLD THE CITY HARMLESS FOR ANY LIABILITY, COSTS OR EXPENSES, INCLUDING ATTORNEY'S FEES, ASSOCIATED WITH THE CONSTRUCTION OF, OR ANY DAMAGE CAUSED BY, THE STORY POLES OR SUPPORT APPARATUS INSTALLED PER THIS PLAN."

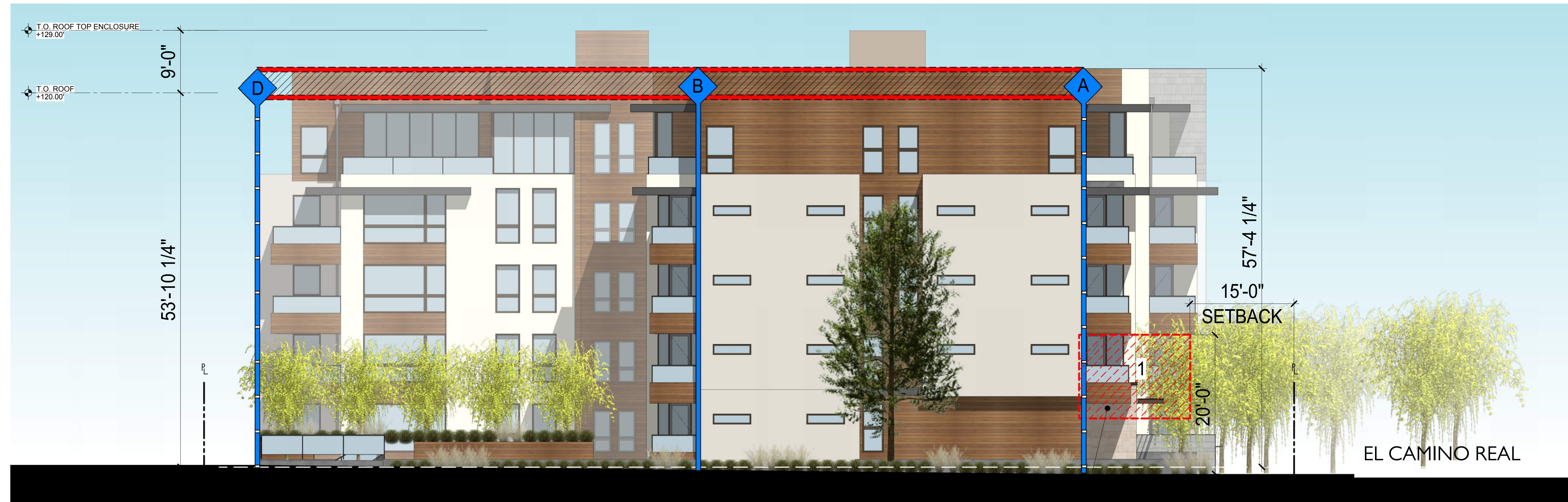
 OWNER'S REPRESENTATIVE SIGNATURE

GRAPHIC LEGEND:

-  PROPOSED BUILDING FOOTPRINT
-  VEHICULAR SITE ACCESS
-  PROPOSED CORNER OF BUILDING
-  TOPOGRAPHIC ELEVATION
-  STORY POLE LOCATIONS
-  STORY POLE NETTING
-  BILLBOARD LOCATIONS
-  BALLOON LOCATIONS

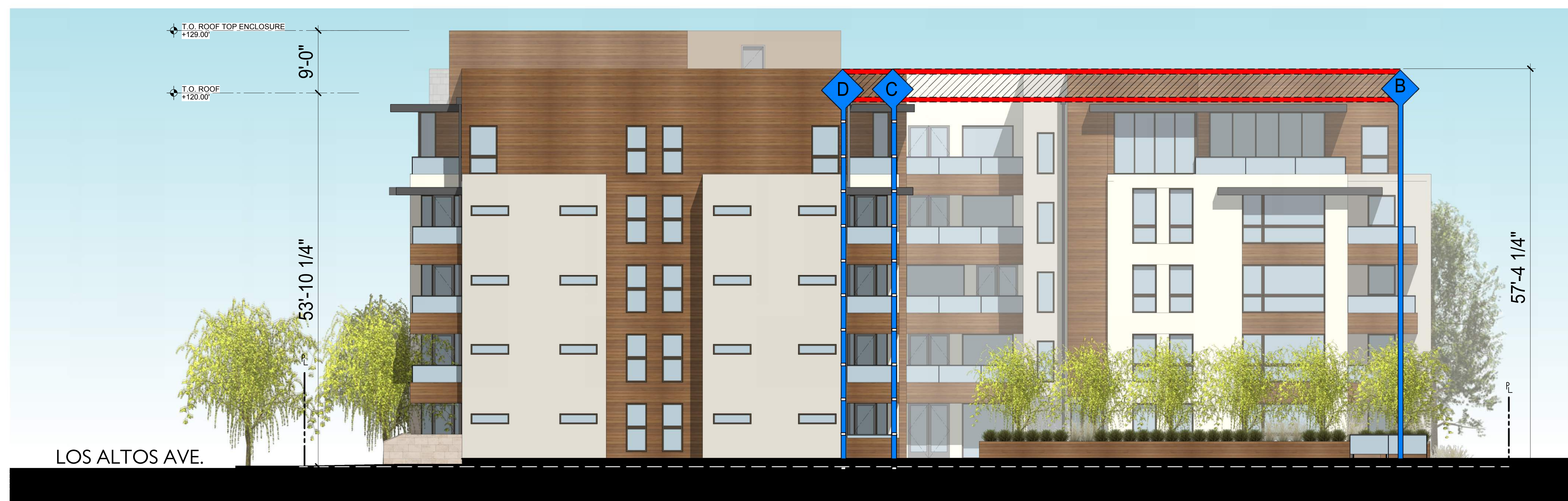


NOTE: 5'-0" INCREMENTS INDICATED AT STORY POLE LOCATIONS

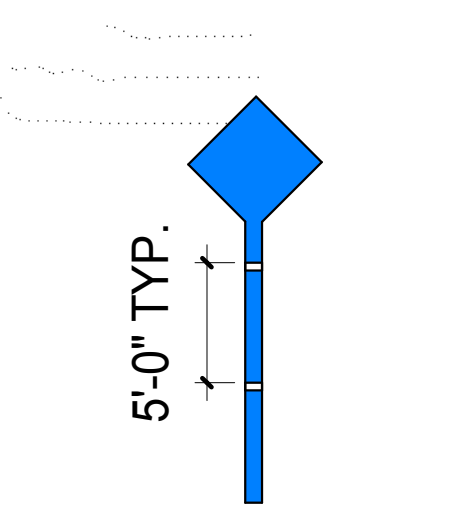


STORY POLE EAST ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE SOUTH ELEVATION



NOTE: 5'-0" INCREMENTS INDICATED AT STORY POLE LOCATIONS



STORY POLE LOS ALTOS AVE ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EL CAMINO REAL ELEVATION

APPROX. BILLBOARD LOCATION

APPROX. BILLBOARD LOCATION

AVERAGE LOT ELEVATION = ± 66.15



4350 EL CAMINO REAL

Project Description:

The proposed design for 4350 El Camino Real provides 40 new market rate condominium residences, and 7 affordable residences on the prominent corner of Los Altos Avenue and El Camino Real. Of the 7 affordable residences there are 3 Very Low Income 1BR units, 2 Moderate Low Income 1 BR units and 2 Moderate Low Income 2 BR units. The 2/3rd + acre site is bordered on two sides by an existing 3 story multifamily structure. 4350 is designed in a 5 story "L" shaped configuration creating an ample open space courtyard that provides a light filled landscape space between the buildings. In total, the onsite open space requirement is exceeded by more than 500%.

The project is proposing 9' of the 11' height increase Incentive above the height limit of 45' per LAMC 14.28.040 and an incentive to propose 24' wide parking drive aisles.

The average set back along El Camino Real exceeds the required setback due to the "staggered" massing related to the angle of the roadway, permitting an enhanced landscape frontage and robust articulation of the façade. The top floor has deeper setbacks on both El Camino Real and Los Altos Avenue reducing the scale and adding attractive character to the massing.

Along Los Altos Avenue, the ground floor residences are provided with stoops leading to direct exterior entries, enhancing the pedestrian character of the street. A glassy, transparent building lobby is located at the corner, and features a unique massing treatment above with projected wood balconies and corten elements. Other exterior building materials include stone, plaster, cementitious siding, glass railings, and ornamental metal work. Many of the windows are recessed providing 3-dimensional articulation to the building.

The resident courtyard has been designed to provide a pleasant landscaped amenity space for the residents. The east and south sides of the courtyard are lined with trees, which combined with the trees on the adjacent property lines, provide effective screening and privacy for both adjacent residents, as well as the residents of this project.

The 2 level below grade parking garage provides 84 parking spaces, as well as secure bike parking.

Applicant / Property Owner:

ANGIE & GREG GALATOLO
 PHONE: (650) 704-8168
 EMAIL: ANGIEGALATOLO@GMAIL.COM

Project Planner:

To submit comments or get additional information, please contact:
 SEAN K. GALLEGOS, ASSOCIATE PLANNER
 PHONE: (650) 947-2641
 EMAIL: SGALLEGOS@LOSALTOSCA.GOV



4350 EL CAMINO REAL MULTI-FAMILY HOUSING

12'-0"

NOTICE OF DEVELOPMENT PROPOSAL: 4350 EL CAMINO REAL LOS ALTOS, CA



4350 EL CAMINO REAL

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PUBLIC MEETING DATES (AS SCHEDULED)

NOTICE FIGURE	NOTICE FIGURE	NOTICE FIGURE
------------------	------------------	------------------



GRAPHIC LEGEND:

- PROPOSED BUILDING FOOTPRINT
- VEHICULAR SITE ACCESS
- PROPOSED CORNER OF BUILDING
- TOPOGRAPHIC ELEVATION
- STORY POLE LOCATIONS
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- BILLBOARD LOCATIONS
- BALLOON LOCATIONS

8'-0"

12'-0"

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8'-0"

12'-0"

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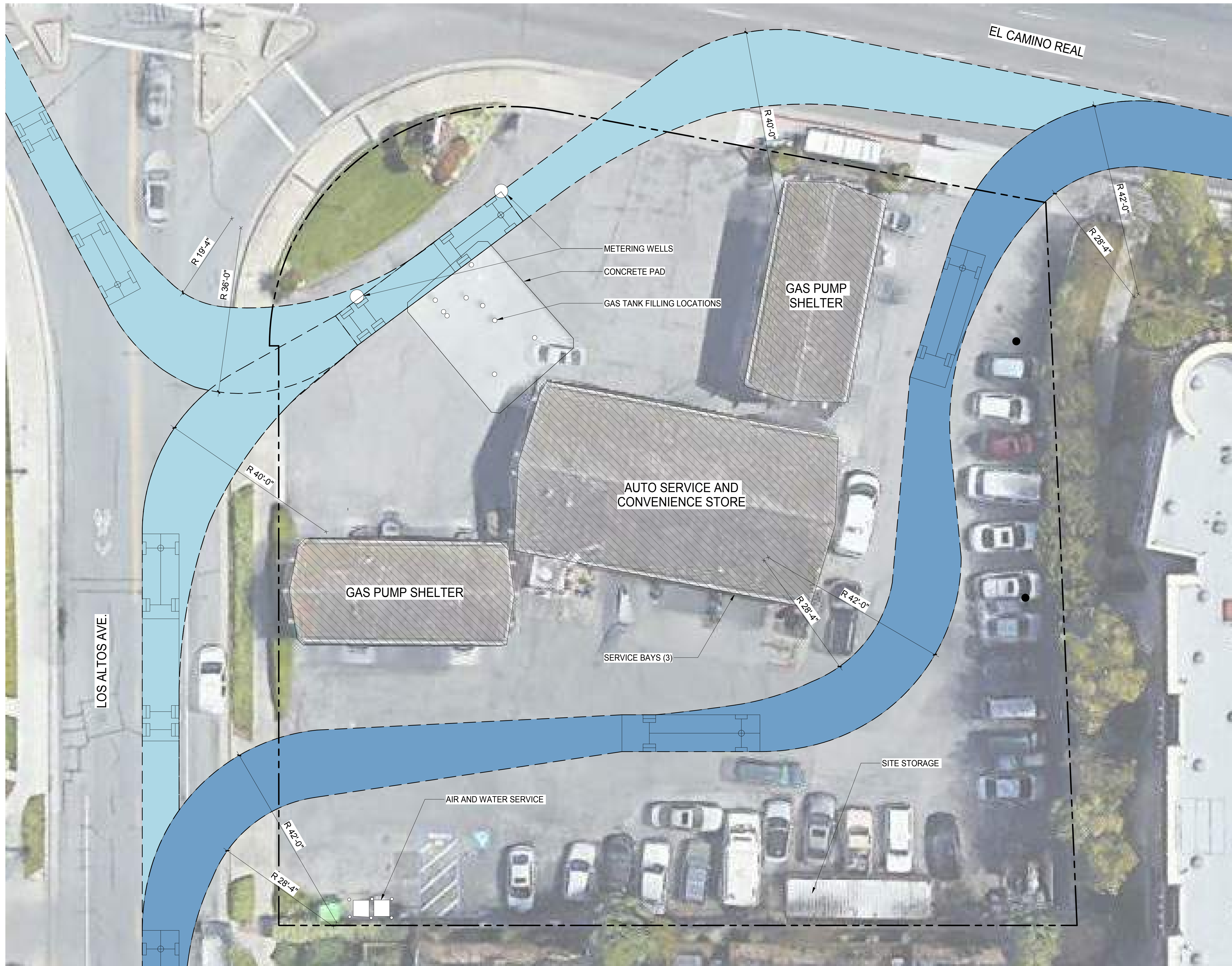
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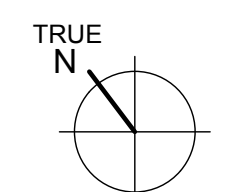
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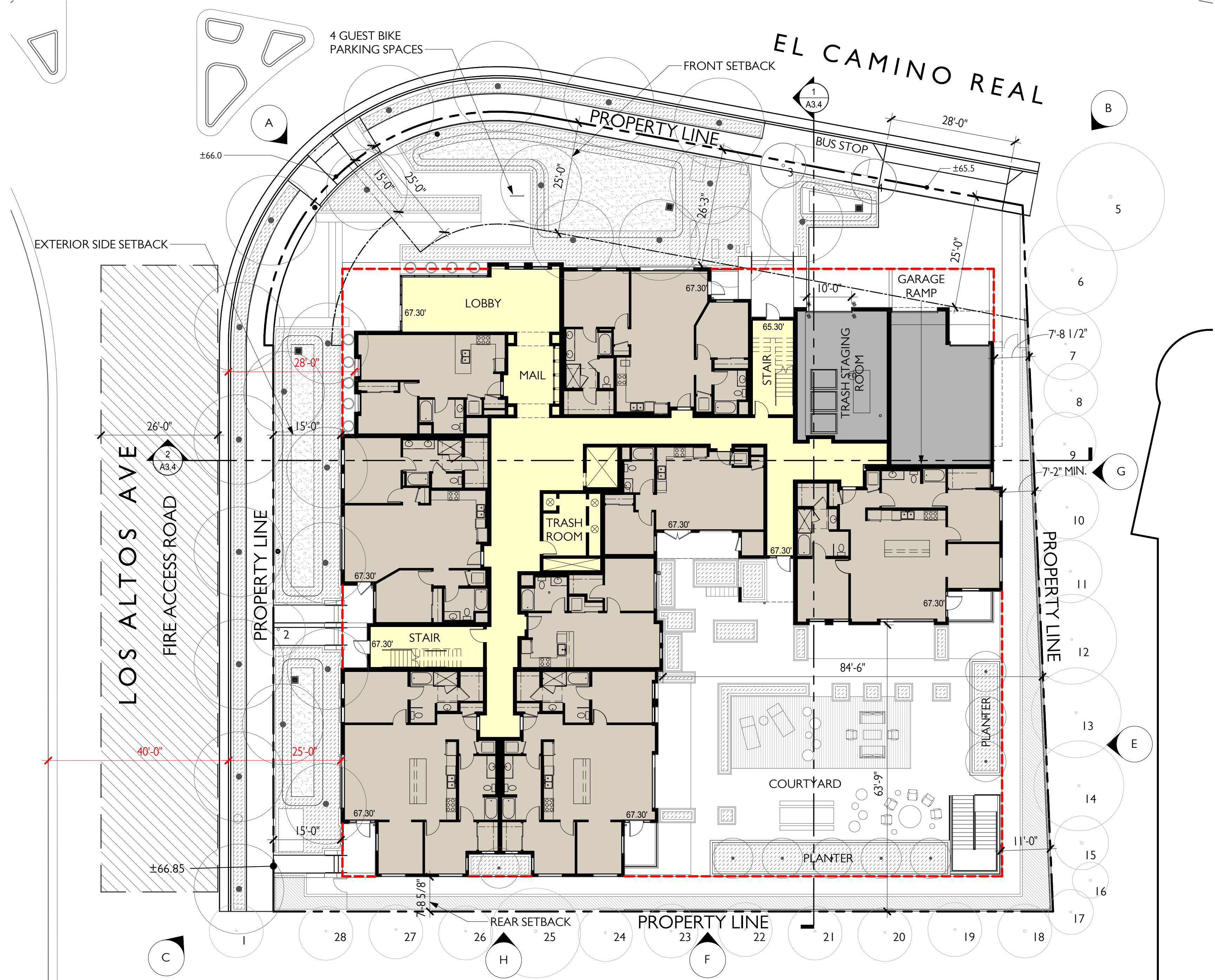


8'-0"



GRAPHIC LEGEND	
GAS DELIVERY TANKER TRUCK	
SIZE:	8'-0" x 45'-0" APPROX.
INSIDE RADIUS:	19'-4" MIN.
OUTSIDE RADIUS:	40'-10" MAX.
MEDIUM BOX / STRAIGHT TRUCK	
SIZE:	8'-0" x 30'-0" APPROX.
INSIDE RADIUS:	28'-4" MIN.
OUTSIDE RADIUS:	43'-6" MAX.





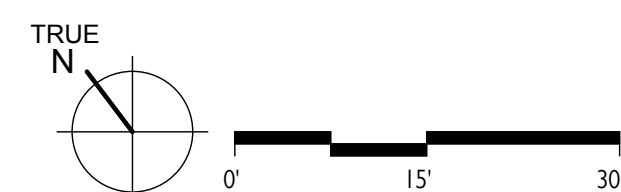
TREE IDENTIFICATION		
NO.	RADIUS	SPECIES
1	6'-0"	MAYTEN (<i>MAYTENUS BOARIA</i>)
2	6'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
3	5'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
4	5'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
5	12'-0"	LONDON-PLANE (<i>PLATANUS ACERIFOLIA</i>)
6	10'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
7	8'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
8	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
9	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
10	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
11	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
12	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
13	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
14	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
15	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
16	4'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
17	5'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
18	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
19	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
20	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
21	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
22	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
23	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
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27	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
28	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)

GRAPHIC LEGEND:

- EXTENT OF GARAGE BELOW
- DIRECTION OF RENDERED PERSPECTIVE VIEW. SEE SHEETS A3.0x

- NOTES:**
1. THERE ARE NO OVERHEAD UTILITY LINES THAT IMPEDE ACCESS TO THE BUILDING FROM THE FIRE ACCESS ROAD.
 2. THE FIRE ACCESS ROAD EXCEEDS 26' IN WIDTH (IT IS APPROXIMATELY 40' WIDE).
 3. THE SIDE OF THE BUILDING FACING LOS ALTOS AVENUE IS MORE THAN 15' AND LESS THAN 30' FROM THE FIRE ACCESS ROAD.

PROJECTS HAVING A GROSS BUILDING AREA OF UP TO 124,000 SQUARE FEET MAY HAVE A SINGLE APPROVED FIRE APPARATUS ACCESS ROAD WHEN ALL BUILDINGS ARE EQUIPPED THROUGHOUT WITH APPROVED AUTOMATIC SPRINKLER SYSTEMS. THE BUILDING IS EQUIPPED WITH AN APPROVED SPRINKLER SYSTEM, AND THEREFORE ONE FIRE ACCESS ROAD IS REQUIRED.

















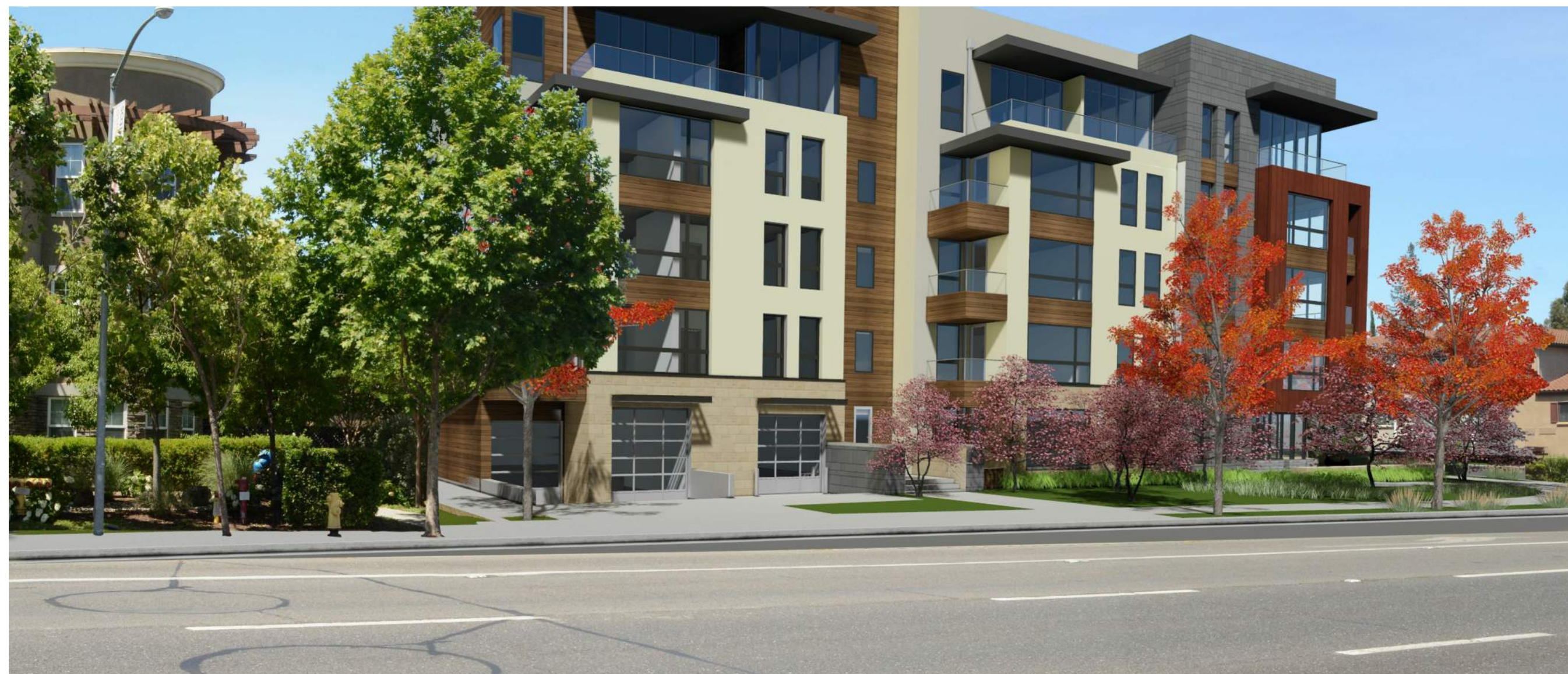




2A "4350_El_Camino_Northbound-from-sidewalk"



1A "4350_El_Camino_pano"



2B "4350_El_Camino_Northbound-from-sidewalk" photosimulation



1B "4350_El_Camino_pano" photosimulation



2A "4350_El-C-from-East_across-EIC"



1A "4350_E-C_Los-Los-Altos_Ave_near-corner"



2B "4350_El-C-from-East_across-EIC" photosimulation



1B "4350_E-C_Los-Los-Altos_Ave_near-corner" photosimulation



2A "4350_El--C_Los-Altos-Ave_close"



1A "4350_El-C_Los-Altos-Ave_distant"



2B "4350_El--C_Los-Altos-Ave_close" photosimulation



1B "4350_El-C_Los-Altos-Ave_distant" photosimulation

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, APRIL 14, 2020,
BEGINNING AT 7:00 P.M. HELD VIA VIDEO/TELECONFERENCE**

ESTABLISH QUORUM

PRESENT: Mayor Pepper, Vice Mayor Fligor, Councilmembers Bruins, Enander and Lee Eng

ABSENT: None

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

An email from Terri Couture was read into the record.

CONSENT CALENDAR

Upon a motion by Vice Mayor Fligor, seconded by Councilmember Lee Eng, the Council unanimously approved the Consent Calendar, as follows:

1. Council Minutes: Approved the minutes of the March 10, 2020 Regular Meeting and the March 17, 2020 Special Meeting, as revised to indicate that Mayor Pepper and Vice Mayor Fligor participated by video conference.

PUBLIC HEARING

2. Modification (MOD 20-001) Request for a waiver for an approved multi-family residential project at 4846/4856 El Camino Real: Adopt Resolution No. 2020-09 denying a request for additional waivers for a development project (modification) MOD 20-0001 at 4845/4856 El Camino Real (G. Periscone)

Planning Services Manager Periscone presented the report.

Mircea Voskerician and Ralph Strauss presented the application.

Public Comment: The following individuals provided public comments: Eric Steinle and Pierre Bedard.

The applicant provided a rebuttal.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Lee Eng, the Council adopted Resolution No. 2020-09 denying a request for additional waivers for a development project (modification) MOD 20-0001 at 4845/4856 El Camino Real, as modified by the City Attorney to remove the word “financially” from the 13th Whereas, by the following vote: AYES: Enander, Lee Eng and Pepper; NOES: Bruins and Fligor; ABSTAIN: None; ABSENT: None.

3. Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development: Adopt Resolution No. 2020-10 to grant or deny an exception from the City's Story Pole Policy to the proposed development at 4350 El Camino Real (S. Gallegos)

Mayor Pepper disclosed ex parte communications with Bart Hechtman, attorney for the applicant.

Associate Planner Gallegos presented the report.

Angie Galatolo and Bart Hechtman presented the application.

Public Comment: The following individuals provided public comments: Eric Steinle and Pierre Bedard.

Angie Galatolo provided the rebuttal.

Mayor Pepper recessed the meeting at 9:20 p.m. The meeting resumed at 9:28 p.m.

Action: Upon a motion by Vice Mayor Fligor, seconded by Councilmember Bruins, the Council unanimously continued consideration of the story pole exception request to a future date and appointed Councilmembers Enander and Lee Eng to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions.

DISCUSSION ITEMS

4. Resolution No. 2020-04: North County Library Authority Joint Powers Agreement (JPA) Amendment: Adopt Resolution No. 2020-04 amending the North County Library Authority Joint Powers Agreement

City Manager Jordan presented the report.

Direction: The City Council directed the representatives to the North Count Library Authority (NCLA) Board (Mayor Pepper and Vice Mayor Fligor) to propose changes to the agreement amendment based on Council feedback to clarify the language in the agreement.

5. Emergency Measures for Addressing COVID-19: Receive an update from the City Manager on measures taken thus far to address the spread of COVID-19

City Manager Jordan presented the report.

Public Comment: The following individuals provided public comment: Ruth Darlene, Dennis Young, Karen Scussel, Sue Russell, Roberta Phillips and Tom Myers.

Direction: The City Council directed staff to provide funds for emergency relief to Community Services Agency of Mountain View, Los Altos and Los Altos Hills, WomenSV and CHAC and to include funds in the mid-year budget review for potential small business relief.

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Enander reported that she and Councilmember Bruins are working with a group to ask the Governor to put a moratorium on State housing legislation.

Mayor Pepper reminded everyone to fill out the 2020 U.S. Census forms.

City Manager Jordan thanked City staff for the work being done under very stressful circumstances.

ADJOURNMENT

Mayor Pepper adjourned the meeting at 11:52 P.M.

Jon Maginot, CMC, CITY CLERK

Janis C. Pepper, MAYOR



AGENDA REPORT SUMMARY

Meeting Date: April 14, 2020

Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Approval Resolution No. 2019-10
2. Denial Resolution No. 2019-10
3. Updated Story Pole Policy Exemption Request Letter
4. Updated Story Pole Letter from BFK Engineers
5. Alternative Story Pole Placement Plan
6. City Council Agenda Report, November 12, 2019

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019 and November 12, 2019

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a third request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern

Reviewed By:

City Manager

CJ

City Attorney

JH

Finance Director

SE



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.

- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's second story pole exception request was unanimously continued to a date uncertain by the City Council on November 12, 2019 with direction that the applicant work with staff and to return to the Council with 1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings that give the community an opportunity to view the project from neighboring properties, 3) a 3D animation model, and 4) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of the existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision applications for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The applicant submitted the original application, project plans and documentation for the design review, conditional use permit and subdivision applications in December 2018. On July 8, 2019, October 1, 2019, November 4, 2019 and December 30, 2019, the applicant resubmitted their application and project plans. The City responded with incomplete letters dated January 24, 2019,

February 11, 2019, August 6, 2019, August 13, 2019, October 17, 2019 and November 12, 2019. The City received a Story Pole Exception submittal on July 18, 2019, and the City provided an incompleteness email with a copy of the Story Pole Policy on July 18, 2019 and August 8, 2019. In addition, the City notified the applicant by email in April 2018, November 2018, June 2019 and July 2019 of the story pole requirements. The City's Story Pole requirement is set forth in the City's "Submittal Requirements Commercial or Multi-Family Design Review." This standard application form requires a Story Pole Plan as part of the project application materials and it was provided to the applicant as early as April 18, 2018, eight months prior to the first application being submitted.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

On November 12, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with (1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings, and (3) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

Application Process

Following the City Council's continuance of the Story Pole Exception Request application on November 12, 2019, staff communicated with the applicant and confirmed the direction from the City Council.

On December 18, 2020, staff received a revised story pole submittal from the applicant, which included updated photo renderings to be located on two billboards at the corner of El Camino Real and Los Altos Avenue, and an updated story pole letter.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

On January 13, 2020, staff provided an incompleteness letter to the applicant outlining the submittal did not comply with the submittal requirements and the City Council's direction from the November 12, 2019 meeting. Staff requested the applicant address the following:

1. The Story Pole plan shall be revised to be consistent with council direction, which required the installation of story poles to show the corners of the buildings and the bulk and mass of the structure to allow the community to view the project;
2. The Story Pole Plan shall be revised to show the story pole materials, installation details and structural requirements, and the applicant shall revise the story pole letter to provide evidence and additional analysis to support the conclusions in the letter;
3. The billboards shall provide photorealistic perspectives of the building form and give the community an opportunity to view the project from neighboring properties;
4. A 3D animation model shall be provided that shows the building massing from both a pedestrian level and from an aerial fly around. The animations should be posted online and a link to the animation shall be provided on each of the billboards placed on the site;
5. The applicant shall complete community outreach independent of the public outreach conducted by the City; and
6. The letter from Coastline Engineering and Development Group shall provide additional factual evidence to support their determination the story poles create an unnecessary life and safety risk.

On January 16, 2020, staff met with the applicant and reviewed the incompleteness letter. Staff requested the applicant address all items in the incompleteness letter. In order to provide increased clarification to the applicant regarding the story poles, staff scheduled a site visit with the applicant on February 18, 2020.

On February 18, 2020, staff met with the applicant at the project site. Staff walked the project site with the applicant and discussed the story pole locations necessary to respond to City Council direction. At the project site, the applicant agreed to consider adding new story poles, the installation of billboards oriented towards all property lines, the posting of a 3D animation model online for the public to view, and the completion of community outreach before the next City Council meeting.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

On March 9, 2020, the applicant submitted a revised project plan submittal and proposed the following:

1. A story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
2. The installation of four billboards showing 3D images and building elevations, with one billboard at the corner of the property facing the intersection, one billboard facing Los Altos Avenue, one billboard facing toward the south, and one billboard facing toward the west.
3. A 3D animation model that shows the building massing from an aerial fly around. The animations will be posted online and a link to the animation would be provided on each of the billboards placed on the site.

As outlined in the Applicant's exemption request letter (Attachment 3) and BFK Engineer's letter (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and

impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant reviewed the story pole locations suggested by Councilmember Enander and explored the placement of story poles for the corner of the building. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this constraint, the Applicant does not believe it is feasible place all of the story poles in a way that meets the Story Pole Policy's requirements.

As further noted in the Applicant's request, the applicant did not complete public outreach prior to the City Council meeting.

The fundamental issue presented for Council's evaluation is whether there is a public health and/or safety concern associated with the obstruction of pathways and driveways of the service station or the potential failure of a story pole or guy wire, which could obstruct a public sidewalk or street, damage overhead utility lines or infrastructure, cause damage to personal property or result in



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

personal injury to an individual using an adjacent public sidewalk or street, that justifies granting an exception from installing story poles per the Story Pole Policy. As noted by the Applicant, alternatives methods, including photo renderings on four billboards and the use of a 3D model, can provide the public with information to understand the project's height and massing, relationship to adjacent buildings and profile within the context in-lieu of physical story poles.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.

RESOLUTION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
GRANTING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY TO
THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL AND
MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review to erect story poles as part of the application and public review process (the "Story Pole Policy"); and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles in close proximity to drive aisles; and

WHEREAS, this action is exempt from CEQA each as a separate and independent basis, pursuant to CEQA Guidelines Section 15303 (new construction of small structures) and CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the action will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the applicant's request for an exception from the installation of story poles per the City's Story Pole Policy based on the following finding:

1. There is a public health and safety concern or impairment of the existing site or buildings due to the placement of the story poles and guy wires posing a threat of physical harm to users and a safety concern if a story pole or guy wire were to cause damage to personal property or result in personal injury to an individual attempting to access the site; and

2. Installation of story poles per the City's Story Pole Policy would impair the use of the structure on the site to the extent that operation of the existing gasoline service station would be infeasible.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janis Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR
THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL**

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review to erect story poles as part of the public review process; and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles limiting access to the site; and

WHEREAS, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to warrant the granting of an exception as outlined in the Story Pole Policy; and

WHEREAS, this action is not subject to environmental review pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos, based upon the entire record before the Council, hereby denies the applicant's request for a partial exception from the City's Story Pole Policy based on the following findings:

1. There is insufficient evidence in the record to demonstrate that compliance with the Story Pole Policy's requirements for placement of story poles and guy wires would cause a public health or safety concern that warrants granting of an exception; and

2. There is insufficient evidence in the record to demonstrate that installation of story poles in accordance with the City's Story Pole Policy would impair the use of existing gasoline service station business on the site to the extent that it would be infeasible to operate and warrant the granting of the exception.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janis Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

February 3, 2020

City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

SUBJECT: STORY POLE EXEMPTION FOR 4350 EL CAMINO REAL

Dear Mayor Pepper, Vice Mayor Fligor and Council Members:

Thank you for the Council's November 12, 2019 review of our story pole exemption and for the suggestions provided to our architect in our unplanned absence. We also appreciated receiving from staff on November 20 a copy of a sketch showing Council Member Enander's suggestions for the story poles. This letter summarizes our response and continued revisions to our story pole proposal. Hopefully, with these last revisions and explanation we are able to receive the Council's support for our story pole exemption.

In response to the concerns we explored three major enhancements to the story pole proposal. First, we commissioned four photorealistic images to help explain the project in-lieu of providing additional story poles. Second, we reviewed the story pole locations generously suggested by Councilmember Enander with our consultant team and found that we cannot accommodate such a plan due to the dangerous and hazardous conditions and due to maintaining necessary business functions. Finally, we met with staff to determine ways we could expand our outreach including identifying additional locations for billboards, add three more perspective views of our proposed building to benefit the adjacent property owners, and provide a 3D computer model of the project for the public. In addition to explaining these additional enhancements in more detail below, this letter also expands our explanation of the on-site constraints.

Photorealistic Images

To help make up for the lack of story poles we commissioned photorealistic images of our project to accurately show the project in relation to the immediate surroundings. We created four photorealistic images, including two for El Camino Real and two for Los Altos Avenue, showing the project and surrounding buildings from each direction

along the street. These images will be included on our notification billboards and provided to staff to include on the City's project website.

Alternative Story Pole Locations

While we appreciate the Council's suggestion for story pole alternatives, our consultant team determined that we cannot safely provide story poles close to the street or on top of the canopies due to hazards related to the height, proximity, overhang heights and the general construction of the structures. According to our story pole engineer/contractor:

"Due to the current rainy season weather, heights of the story poles and close proximity to of the story poles to the public sidewalk and street, installation of the story poles per the City story pole policy on the subject site poses an unnecessary life and safety risk to the general public."

We are concerned about putting story poles on the canopies and/or the service building due to trucks regularly running into the building and fueling islands. We have had to repair the building and canopy many times in the past due to over-height trucks. Vehicles running into the building, islands and canopies creates a substantial risk to the safe installation any story poles located on such structures. Additionally, our story pole engineer/contractor said that he cannot guarantee over time the water tight story pole construction if located on the roofs. Water leaks are a significant safety problem for us due creating conflicts with the hazardous material cleanup methods, and meeting employee and public safety requirements from the state.

We are also concerned about installing a story pole in the landscape area adjacent the fuel truck loading area. The necessary guy wires for a story pole in this location spanning in three to four directions will interfere with and create a hazard for the large tanker trucks that deliver hazardous fuel every other day. In addition, locating an outlying pole beyond the footprint of our proposed building will exaggerate our project's massing and mislead the public about our project's impacts.

Just like we cannot locate story poles or their guy wires in conflict with our driveways and approaches to the fueling islands, we cannot locate story poles along the southern property line due to substantial interference with our business functions – *a legitimate finding when granting an exception consistent with the City's story pole*

policy. This area has the air pump that is required by law for customer use. More problematically, this area has our mandated parking area for disabled persons, which must remain fully accessible. We cannot relocate the existing handicapped parking area due to its carefully determined location by a third-party consultant required by the Oil Company, and as business owners, to address a recent lawsuit regarding the handicapped parking at our property. The existing location was determined as the necessary location to meet the many statutory requirements of the state-mandated parking and loading area; there are no alternative sites for it.

In addition, story poles and their associated guy wires spanning in three or four directions from each pole would interfere with necessary parking and staging area along the southerly property line. This area must remain open for staging vehicles and the frequent tow truck maneuvering and delivery of disabled vehicles supporting our vehicle repair facility. Finally, the southern yard has our storage structure and refuse area both of which must be regularly accessed by our staff and Mission Trail Waste. The story poles along the southern border would significantly interfere with the necessary business functions in this area.

We remain committed to – and our story pole engineer/contractor supports – providing two story poles on the eastern border of the site. While these poles would displace some of our parking we believe that we can provide these two poles safely and maintain nearby necessary business functions such as access to our propane tanks and site circulation. A benefit of showing the eastern end of the building is that it will provide a reference to the project's height and massing to El Camino Real and to the adjacent Peninsula Real building. The relative massing and setback shown on the eastern property line is similar in height and width to what would occur near the southern property line. To minimize the safety risk, however, we plan to limit the duration of the two story poles to approximately 30 days to allow for adequate public notice of the Planning Commission meeting, viewing by the Commissioners and staff to document the installation for the file.

As the property/business owners the overall potential for story pole failures raises a significant concern for us in terms of general liability as well as the risks to the safety of our customers, employees and to the public. We have seen that least four recent story pole installations in the City have some evidence of failure including at 4846-4856 El Camino Real, at 5150 El Camino Real, along First Street downtown and at Loyola Corners. It is not a matter of if – *it is a matter of when the story poles will fail.*

Enhanced Public Outreach

In addition to the aforementioned, photorealistic graphics we worked with staff to: (a) identify three more billboard locations for a total of four billboards, (b) provide three more perspective views of our project, and (c) provide our 3D model of the project to the City for public viewing. In addition to the billboard at the corner in the corner landscape island a second billboard will face Los Altos Avenue. A third and fourth billboard will face to the south and to the east toward the adjacent property providing perspectives of the building from those vantage points. Regarding the additional perspective drawings, we worked with our architect to provide three additional realistic perspectives of our project from the south and east for the unique benefit of the adjacent property owners at the Peninsula Real development.

We also note for the Council that we are in discussion with the President of the Peninsula Real Homeowners Association to resolve a reciprocal easement, which naturally leads to expanded and personal outreach for other project issues such as coordinated landscaping and other common concerns. In addition, we have been planning an outreach meeting with the surrounding property owners to ideally occur after the story poles are accomplished but prior to our Planning Commission hearing to give the owners benefit of the best available information. We are planning to have members of our consultant team available at our outreach meeting to help explain the project and address questions.

In summary, our revised story pole proposal includes the following elements:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;

Story Pole Exception

February 3, 2020

Page 5 of 5

- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Thank you for your reconsideration. We look forward to meeting with you to present our revised story pole proposal.

Sincerely,

Angela Galatolo
Owner/Applicant
4350 El Camino Real

Attachments:

Story Pole Plan
Council Member Story Pole Sketch
Architectural 3D Imagery
Photorealistic 3D Imagery
Statement from Story Pole Contractor

March 6, 2020

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gerry Houlihan

Mayor Jan Pepper and Members of the Los Altos City Council
Los Altos City Hall
One North San Antonio Road
Los Altos, CA 94122

Re: Story Pole Exception for 4350 El Camino Real

Dear Mayor Pepper and Members of the City Council:

This office represents El Camino 76, Inc., the owners of 4350 El Camino Real and the applicants for redevelopment of that property. I write today to urge you to approve the applicant's request for an exception to the story pole policy.

The City has adopted a story pole policy (the "Policy"), and there is no debate as to the value of story poles providing a perspective on the scale and to a lesser extent the massing of new development. However, the City's Policy explicitly recognizes that there are circumstances in which the benefits of providing that perspective are outweighed by other factors, and in particular health and safety concerns or disruption of existing onsite activities. The Policy also recognizes that where those circumstances arise, the City can require alternative methods to provide a perspective on the scale and massing of the proposed development.

In this instance, the existing use of the property is an extremely active gas station and mini-mart. I think it is a fair statement that the day and night traffic that occurs at this gas station (a net 1,010 daily trips according to the Hexagon report dated 6/19/18), by vehicles of all sizes weaving and winding to the gas pumps and store, and by large tanker trucks with difficulty in maneuvering, creates an extremely high level of traffic activity compared to other uses such as residential sites, office buildings or retail facilities, where story poles might be required. Indeed, it is much more common to see concrete bollards in strategic locations at gas stations to keep vehicles from running into equipment than on properties with other uses.

A "full" story pole installation would require a story pole at every building corner, to provide the truest perspective on mass and scale. The story pole plan submitted shows the two proposed story poles and all 48 building corners for the proposed building design. Viewing that plan, you do not need to have a graduate degree in safety to understand how installing even half of the 48 vertical 57' tall steel poles throughout such an active area, with the industry standard 6 to 9 guy wires encircling each pole in a diameter equal to the height of the pole, would make it impossible to drive through the gas station without striking one or more of these story pole improvements, causing part if not all of the story pole structure to fall. And because at a gas station people are frequently out of their cars but not inside a building (particularly at this location where there is significant cut-through pedestrian traffic), there is a greatly increased risk of personal injury from falling story poles. The only practical way to avoid the health and safety risks associated with a full set of story poles would be to shutter the gas station while the poles were up.

Safety and on-site impacts are the two alternate findings for the granting of an exception from the story pole requirement. It is clear here that these factors exist, and it is equally clear from the record that the City Council understands that. The Councilmembers' focus through the September 24, 2019 hearing and the November 12, 2019 hearing was on development of additional imagery to substitute for a full set of story poles in support of an exception to the Policy.

As detailed in the applicants' February 3 letter, they are now proposing the following measures to provide a representation of the massing and scale of their proposed development:

- A. Installation of two-story poles and associated nettings/flags representing the eastern wall of the proposed building;
- B. Four 3-dimensional images;
- C. Three perspective views;
- D. Installation of four billboards on site displaying the 3-dimensional images and perspective views; and
- E. A 3-D computer model of the project, to be accessible through the City's website.

Under the circumstances present here, where the story pole Policy requirements cannot be met without the owners choosing between unacceptable safety risks or closing their business, these combined measures are at least equivalent to and perhaps even superior to the actual installation of a full set of story poles in terms of providing the public with an understanding of the massing and scale of the proposed development. This satisfies the intent of the Policy.

For these reasons, along with those stated by the applicants before and at the upcoming hearing, we ask the City Council to grant the requested exception to the story pole Policy. We look forward to the April 14 hearing on this matter, to answering any questions you may have regarding the story poles and perhaps to getting a couple questions of our own answered: Why is it taking so long to determine that the project application is complete; and why is it taking so long to move forward with the CEQA process?

Very truly yours,



BARTON G. HECHTMAN

BGH:cab

cc: Angie Galatolo
City Clerk

TECHNICAL MEMORANDUM

Date: March 20, 2020

BKF Job Number: 20180481

Deliver To: City of Los Altos

From: Isaac Kontorovsky, PE

Subject: 4350 El Camino Real – Engineer’s Letter of Public Safety and On-site Conflicts

To Whom It May Concern,

The proposed project at 4350 El Camino Real consists of a new five-story 47-unit multiple-family building with two levels of underground parking. The project site is currently developed as a gas station (76) and located on the southeast corner of El Camino Real and Los Altos Avenue.

In accordance with City Council's Open Government Policy, adopted on March 24, 2015, and amended on August 22, 2017 and May 22, 2018, all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process.

Per the above mentioned story pole policy, the standard story pole installation at 4350 El Camino Real would entail approximately 20-60' tall steel poles. Each pole requires a concrete base as well as guy wires in 3 to 4 directions depending on their location. These guy wires would radiate out from the story pole at approximately 20'-30' from the base. Additionally, the distance between each story pole cannot be more than 35'.

The story poles would be installed during the remaining time of operation for the existing gas station. Due to the required spacing and guy wire locations the poles completely cut off access to the existing property if placed along the northeastern and northwestern frontage of the lot. Additionally, poles and their required guy wires would cutoff access to the ADA stalls and air station if placed along the southwestern side of the lot.

Per the traffic study, dated June 21 by Hexagon transportation Consultants and submitted to the city, a daily trip count of 921 was calculated. In our professional opinion, this large volume of in and out traffic poses a significant risk if poles and guy wires begin to block access. A situation would be created where automobiles must maneuver around pump stations, guy wires, poles and other cars for ingress and egress.

The story pole installer has also raised concerns over the poles, specifically in regards to their height and the potential hazard given the proximity to the public right of way. We agree that the issue is cause for concern if the project at 425 First Street is used as a case study. On this project a story pole failed under minimal wind loading. It should be noted that these poles were half the height the proposed

story poles on 4350 El Camino.

Furthermore, although complete underground service locating has not been completed we have concerns over any concrete base that would need to be placed given the hazardous and potentially dangerous nature of any utility conflicts with the required concrete bases.

Per the Los Altos Story pole policy, both criteria for an exemption have been met. To aid the citizens of Los Altos in understanding the development size and shape, the owner has proposed a thorough and detailed plan including:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;
- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Given the exemption criteria of "a public health and/or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it could not be occupied and the existing business and/or residential use would be infeasible" our recommendation is in line with the plan put forward by the owner listed above.

If there are any further questions please feel free to contact me.

Thank You,



Isaac Kontorovsky, PE

Vice President
BKF Engineers

4350 EL CAMINO REAL

LOS ALTOS, CALIFORNIA

STORY POLE EXCEPTION APPLICATION

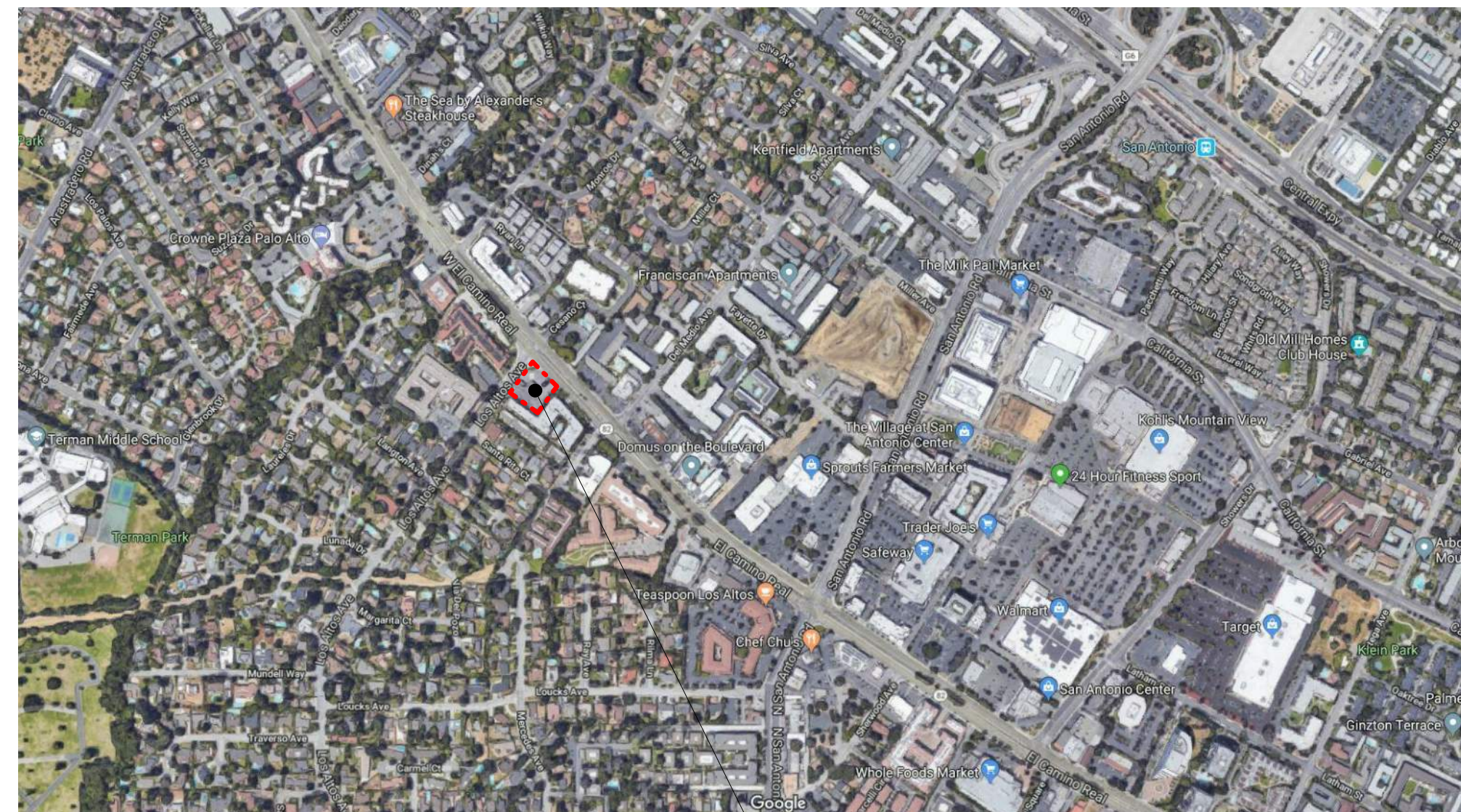
DRAWING INDEX:

- A0.0a COVER SHEET - STORY POLE
- STORY POLE DIAGRAM
- STORY POLE ELEVATIONS
- STORY POLE ELEVATIONS

- A1.0 SITE PLAN

- A3.0a PERSPECTIVE VIEW 1 @ EL CAMINO REAL + LOS ALTOS AVE.
- A3.0b PERSPECTIVE VIEW 2 FROM EAST ON EL CAMINO REAL
- A3.0c PERSPECTIVE VIEW 3 FROM SOUTH ON LOS ALTOS AVE.

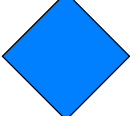

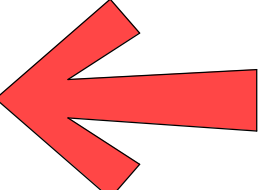
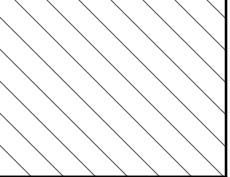
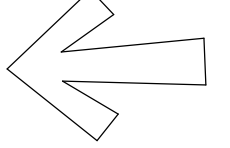

- A3.0d COURTYARD RENDERED VIEW FROM EAST
- A3.0e COURTYARD RENDERED VIEW FROM SOUTH
- A3.0f RENDERED VIEW FROM WEST



PROJECT SITE



GRAPHIC LEGEND:

-  PROPOSED STORY POLE LOCATION
-  PROPOSED BILLBOARD
-  VIEWABLE SIDE OF PROPOSED BILLBOARD
-  PROPOSED BUILDING FOOTPRINT
-  VEHICULAR SITE ACCESS
-  PROPOSED CORNER OF BUILDING



STORY POLE LOS ALTOS AVE ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EL CAMINO REAL ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EAST ELEVATION

APPROX. BILLBOARD LOCATION



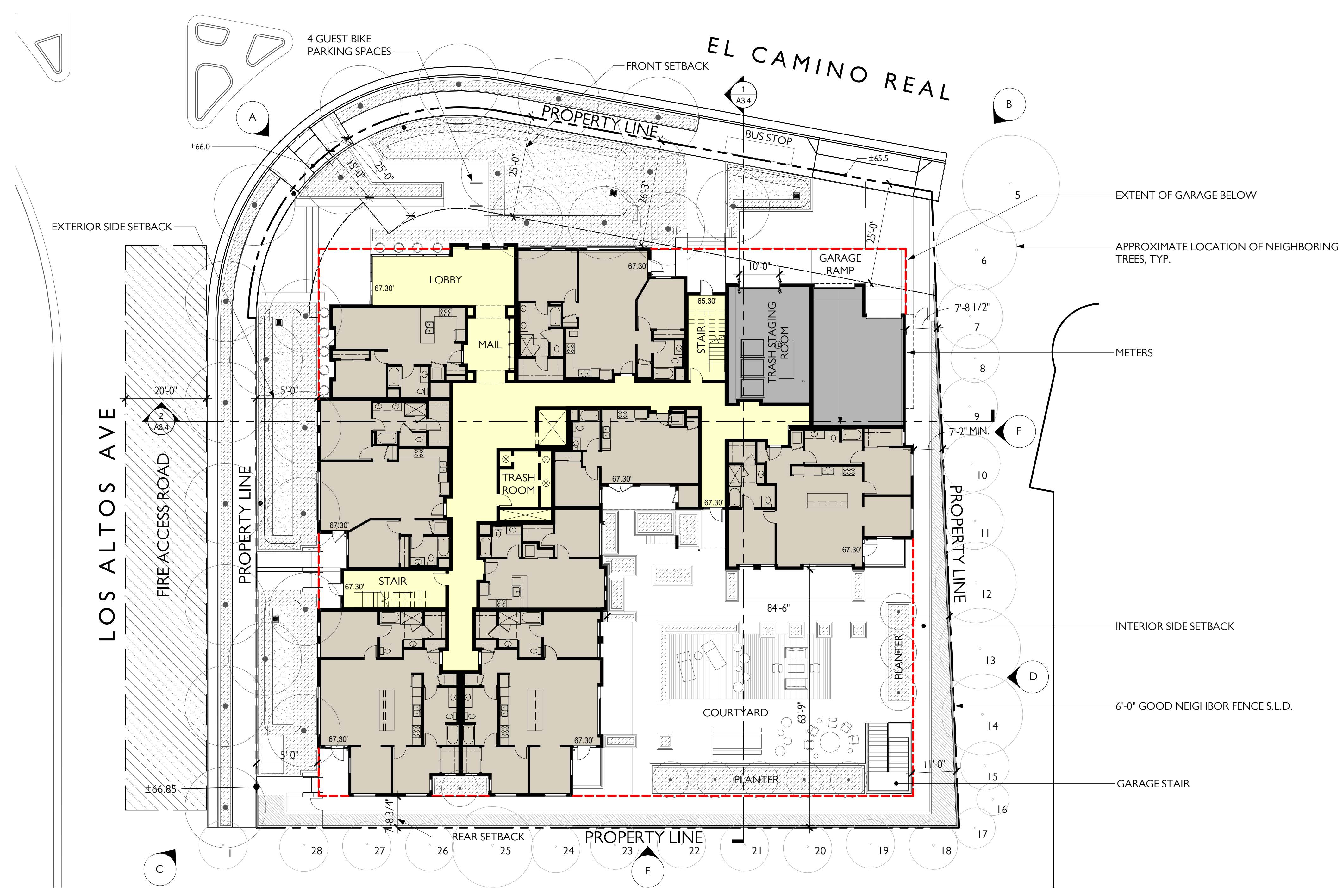
STORY POLE SOUTH ELEVATION

APPROX. BILLBOARD LOCATION

4350 EL CAMINO REAL

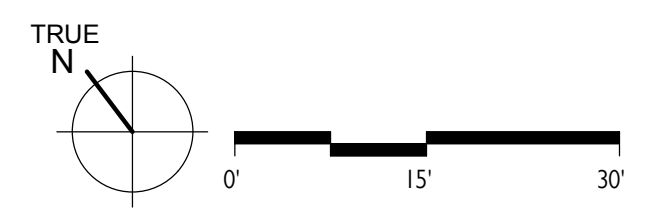
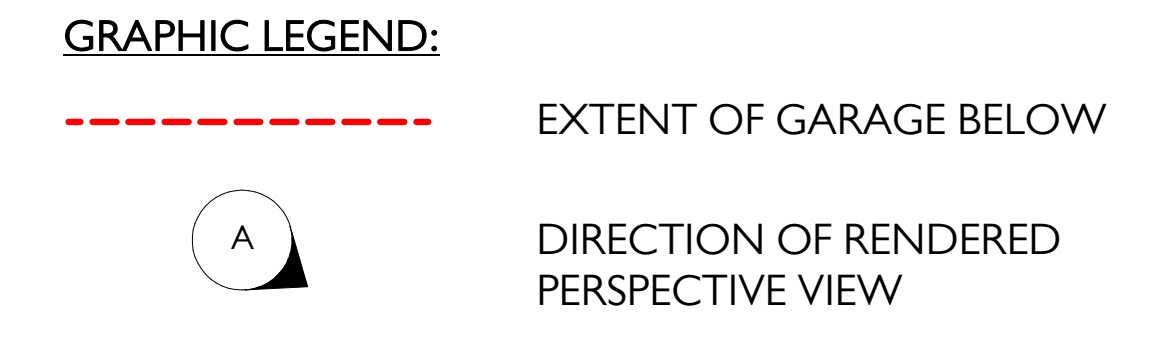
STORY POLE ELEVATIONS

STORY POLE ELEVATIONS
3/06/2020



TREE IDENTIFICATION

NO.	RADIUS	SPECIES
1	6'-0"	MAYTEN (<i>MAYTENUS BOARIA</i>)
5	12'-0"	LONDON-PLANE (<i>PLATANUS ACERIFOLIA</i>)
6	10'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
7	8'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
8	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
9	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
10	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
11	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
12	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
13	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
14	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
15	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
16	4'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
17	5'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
18	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
19	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
20	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
21	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
22	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
23	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
24	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
25	10'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
26	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
27	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
28	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)













4350 EL CAMINO REAL





**ITEMS FOR
DISCUSSION/ACTION**

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: November 12, 2019

Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Approval Resolution No. 2019-41
2. Denial Resolution No. 2019-41
3. Updated Story Pole Policy Exemption Request Letter, October 4, 2019
4. Story Pole Policy Exemption Request Letter, September 4, 2019
5. Alternative Story Pole Placement Plan

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a second request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.
- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to

City Manager

Reviewed By:

City Attorney

Finance Director

ATTACHMENT 6



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision application for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing service station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

The applicant is proposing the following:

- An alternative story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
- The installation of two billboards at the corner of the property facing the intersection showing 3D images and building elevations.

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

As outlined in the Applicant's original request (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

constraint, the Applicant does not believe it is feasible to place all of the story poles in a way that meets the Story Pole Policy's requirements.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

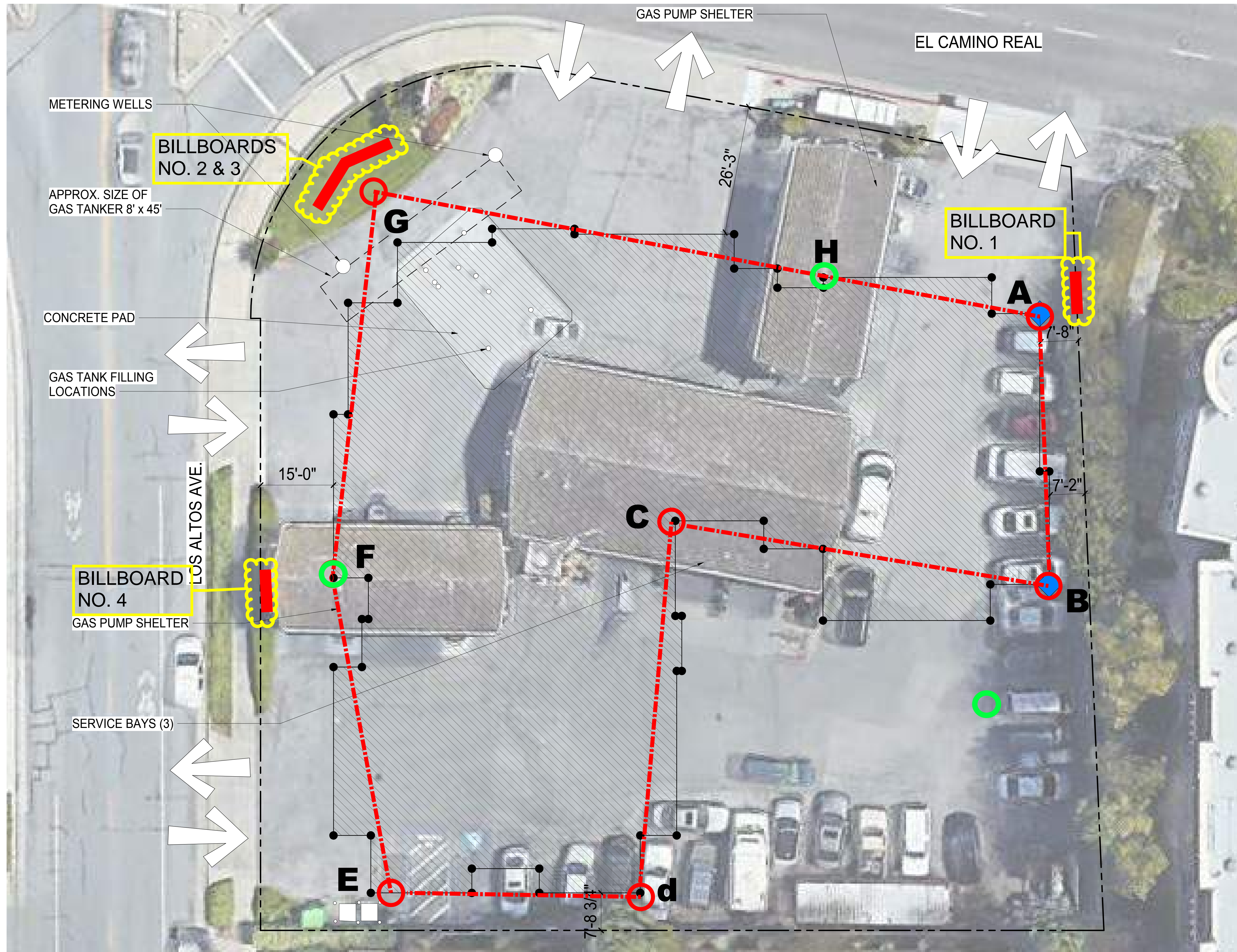
- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

Advantages: To be determined by the City Council based upon the evidence presented.


Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.



GRAPHIC LEGEND:

-  PROPOSED STORY POLE LOCATION
-  PROPOSED BUILDING FOOTPRINT
-  VEHICULAR SITE ACCESS
-  PROPOSED CORNER OF BUILDING
-  STORY POLE LOCATIONS
-  BILLBOARD LOCATIONS
-  BALLOON LOCATIONS



4350_El_Camino_Northbound-from-sidewalk



4350_El_Camino_pano



4350_EI-C_from-East_across-EIC



4350_EI-C_Los-Altos-Ave_close



4350_EI-C_Los-Altos-Ave_distant



4350_EI-C_Los-Altos-Ave_near-corner

From: [JJ Desh](#)
To: [Jon Biggs](#); [Sean Gallegos](#)
Subject: 4350 El Camino Real Los Altos: January 26th 2021 Agenda: Story Poles
Date: Saturday, January 9, 2021 4:36:44 PM

Dear Director Biggs and Mr. Gallegos,

I have been following this project development On/Off for about two years and I can only tell that the applicant is absolutely clueless and/or ignoring city requirements since they wasted so much of the city council and planning department time on obtaining a waiver for the required story pole installation. As a Los Altos resident and residing nearby the property I would certainly want to see the massing of this building that will be there for the next 100 years. Applicant is trying to pursue City Council Members on every single angle possible not to do so.

I am appealing to the entire city council to ensure that this development like all the others has the proper City Code Story Poles installation as we saw up and down on El Camino Real at 5150, 4880, 4898, 4856 and Downtown 1st and Main St Los Altos that helped us visualize the massing of the building. Applicant is invoking different reasons like " I am shutting down my business if I have to install story poles" or "it is impractical". All other developments on El Camino Real presented their Story Pole installation with some small adjustments but not a Full Waiver of full installation which is certainly not acceptable. As I understand that the applicant is also a Los Altos resident so they should respect city requirements evenmore and not try to avoid them and waste more city council time with several attempts to get out of providing Los Altos residents a full story poles installation. I remember that Council Members Lee Eng and Enander precisely supported residents on their right to properly visualize and evaluate the heights and massing of future developments prior to city council meetings.

In the light of the last two years developments I am urging you to deny the request of a full waiver and if necessary have the applicant to partially or fully shut down the site operations for the time the project will go through planning and city council review it is a small price to pay and should be mandate it, versus applicants future exponential profits.

Please ensure my public comment reaches city council members. I will also do my best to call in on Jan 26th 2021.

Regards,

JJ